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International Court of Justice

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Notice.

Not to be publicized until presented before the tribunal in open court and then only that portion actually submitted as evidence.

A ne pas publier avant présentation devant le tribunal en session publique et seulement la partie reellement versee au dossier.

Nicht zu veroeffentlichen vor Darlegung vor dem Gericht (Tribunal) in oeffentlicher Sitzung und dann nur jener Teil, welcher tatsaechlich zur Beweisfuehrung uebermittelt wurde.

Ri-Exhibit N. 76

Copy 195

from the White-Paper N. 2. Documents on the Events preceding the outbreak of war.

M.7 (Page 12)

No. 7 The German Consul-General in Posen
to the German Foreign Office

report

(Translation)

Posen, April 12, 1923

On the 10th inst. General Sikorski, the Premier, arrived in Posen.....

General Sikorski left Posen on the 11th inst.

Stobbe

Enclosure

Extract from the "Posener Neueste Nachrichten" of April 12, 1923

(Translation)

M. Sikorski, the Premier, made the following speech on the occasion of the official reception in the Town Hall :

"..... It is to the immediate interest of the minority that this historic process which is called re-Germanization of the western voivode-ships, and which is carried out after long-continued oppression by the Prussian Government, should be carried out as soon and as rapidly as possible. Perfectly excusable mistakes have, indeed, been made in this connection. As long as Poland was not yet recognized as an international factor she could not risk administering elementary justice, as every judiciary act on international territory was impeded as an act of violence.

The stronger is always right, and the weaker is consi-

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H0787 - 0004

15 a

dered defeated and thrust into the background. I hereby state that on the eve of the liquidation of German estates, to which you, Mr. Mayor, referred, our previous leniency and irresolution will have to undergo a radical change. The Government which I represent are determined to settle this question certainly within a year.....

A certified true copy:

Dr. Martin HOHN

Attorney at Law.

H0787 - 0005

Hi-Exhibit No. 77

Copy

from the White-Paper No 2. Documents on the Events preceding the Outbreak of War.

No 8 (Pages 14/16)

No. 8 The State Secretary at the German Foreign Office to the Polish Minister

(Translation)

Berlin, July 18, 1923

Mr. Minister :

I have the honor to reply as follows to the note, dated June 16 of this year, No . 3030/23 :

Since the time when several former Prussian provinces were transferred to the Polish Republic, far more than half a million Germans, the majority of whom had long settled there, have left those districts. The circumstances attending this emigration which frequently meant impoverishment and want for those concerned, prove that it was in most case not undertaken voluntarily. In a speech made in the Town Hall in Posen on April 10 of this year, ** M. Sikorski, formely Polish Premier, unequivocally stated that the de-Germanization of the western provinces of Poland was being carried out systematically and that it represneted a political aim furthered not only by Polish nationalist parties but also by all Polish official bodies, including the very highest.

The attitude of the lower authorities in Poland corresponds to this principle. This statement from an authoritative source, coupled with the action of thesubordinate authorities, could not fail to create the impression in Germany

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that the tolerance of the Polish Government mentioned in the Note of June 16 did not apply to the German minority in Poland.

The German Government permit themselves moreover to point out that the action of the Polish Government is also not in accordance with existing treaties nor with the general principles of international law. The Permanent Court of International Justice at the Hague will shortly give an advisory opinion as to the legitimacy of an important point in recent Polish action. The German Government, however, regret to state that, although negotiations regarding the settlement of nationality questions have been going on for some months in Dresden the Polish authorities continue to order expulsion and actually proceed to liquidate property even when it is disputable whether the person concerned is of German or of Polish nationality. This method leads one to assume that the general aim is to arrive at a "fait accompli" even in disputable cases merely in order to carry out the process of de-Germanization as rapidly as possible. And it was this method, no doubt, which caused the Prussian Premier to speak as he did.

The Foreign Office further begs to contradict emphatically the opinion expressed in the Note of June 16, that the Prussian Premier's remarks were the outcome of a "conviction hostile" or an agressivite evidente. If unfavorable criticism of Poland is heard anywhere in Germany, it is invariably a reaction to Polish manifestations and measures. In this connection the Foreign Office ventures to call to mind that M. Beyda, the Polish Minister for Foreign Affairs, in his expose to the Senat Committee for Foreign Affairs on June 8, i.e., immediately prior to the Prussian Premier's speech, made statements with regard

H0787 - 0007

to Germany which could not fail to cause a violent echo. Moreover, M. Wojciechowski, the Polish President, made a speech in Kattowitz on June 19 in which German culture was designated as perfidious and Germany decried as a state in which might triumphed over right. Reference may also be made in this connection to numerous statements, written and verbal, made by leading Polish politicians, in which even the fact that East Prussia continues to be German is described as a danger to Poland. In all these allegations there is definite evidence of an agressive and hostile spirit which is entirely absent in the occasional German criticisms of Poland's de-Germanization policy.

Responsible quarters of the German Reich are anxious to establish neighborly relations with Poland and eliminate existing causes of friction between the two countries. The coincidental devaluation of the German and the Polish currencies has recently proved anew, how intimately the two States are connected economically, and how much it is in the interests of both to establish correct relations. The German Government take this opportunity of stating that no step has been taken by them which could in any way prove an obstacle to the development of such relations between the two States. If incidents of the kind now under discussion nevertheless occur, they are in the opinion of the Foreign Office merely the result of Polish manifestations or measures which cannot fail to be interpreted in all German circles as being specially directed against Germany .....

A certified true copy

Dr. Martin HAHN

Attorney at Law.

H0787-0008

Hi-Exhibit No 78

Copy

199

from the White Paper No. 2 : Documents on the Events preceding the Outbreak of War.

No. 11

No. 11 Debate in the House of Lords,

June 15, 1932.

Extract

Lord Noel-Buxton : At recent meetings of the Council of the League of Nations, important questions affecting national minorities have been dealt with, and notably at the January Council when the noble Viscount, Lord Cecil, represented the British Government, a report was dealt with on the terrorizatio as it was called, which took place in the Ukraine in the autumn of 1930. That incident was the subject of a petition by no fewe than sixty-five Members of the British Parliament, and that fac indicated the public interest that is felt in a statement by His Majesty's Government on their action in regard to the question of minorities.

It is a question which forms a potent factor in international relations. In the debate on this subject last year all three speakers, each of whom had vast experience in the matter, insisted on its importance, and that importance is all the greater in a time of tension like the present. It is a main cause of friction between certain Powers, and where there is extreme friction the danger of incidents resulting in disaster must be taken into account. An illustration lies in the case of Danzig. Everyone knows what anxiety attaches to that. The German newspapers and the French newspapers have been full of it, the Germans prophesying a polish occupation, and the French prophesying a German putsch.

Hi-Exhibit No. 78

H0787-0009

Lord D'Abernon recently described the situation in Danzig, and spoke of the corridor as the powder magazine of Europe. I have seen myself in Danzig the kind of difficulties which may lead at any moment to a dangerous incident. There is trouble both on the German and the Polish side, and it has more than once led to brawls which have resulted in loss of life. Quite lately the Polish Commissioner threatened resignation if the League Commissioner did not call in Polish troops. The aggravation which leads to this very dangerous situation arises in the main from the treatment of the German population in Polish territory, and the vitiating effect of all this has its reaction even on the Disarmament Conference, because the whole ground-work of contended populations is in peril.....

The Treaties affecting minorities laid it down that there should be, firstly, equality before the law - and a sample of that is in the denial of the prohibition of prejudice in regard to public employment - and, secondly, cultural right especially the right to primary schools in the minority language, the right to social institutions, and the right to the use of the minority language in the Courts. The execution of the Treaties was specially the subject of guarantee by the League. The question of guarantee, of course, is admittedly difficult, but let us recall the terms in which it was established. The Treaties say that the obligations of international concern are under the guarantee of the League, and the guarantee was defin by the Council in 1920 by the adoption of the Tittoni Report, which said that the guarantee meant that the League must ascertain that the provisions for the protection of minorities were always observed. A breach of specific guarantees of that kind adds to the danger of its non-fulfilment. Again, the action of

H0787-0010

Mr. Arthur Henderson, when Foreigh Secretary, led to hopes of the fulfilment of the guarantee, which decreased the danger, a it will be all to the good if that decrease can continue.....

I do not propose to deal with the question of Poland, which was mentioned by my noble friend, firstly, because I rather avoid reference to any particular nation in this respect in the observations that I am going to submit, and secondly, because I have always realized that in Poland particularly and in all these countries they have had political difficulties in forming their Governments which we find it hard to estimate. Nevertheless, we are brought up against the situation rather abruptly by the events in Ukraine and the way the minority have been treated by the Polish Government and the League of Nations My interest in this matter dates from the time of the war. I have not the advantage of knowing the East as well as my noble friend has, but immediately after the war I did visit those countries interested particularly in minorities, and it was evident to anyone who went there at that time that there was a problem upon which the whole peace of Europe, and perhaps of the world, would depend. Upon the proper solution of the relations of these minorities to their surrounding populations depended, and I believe still depends, the future peace of Europe.....

Viscount Cecil of Chelwood : [illegible] If he referred to the records of the Berlin Conference, which resulted in the Treaty of Berlin, he will find that the British Foreign Minister of that day was part author, I think, with the French Foreign Ministerof the general proposition that wherever a country recieved a substantial increase of territory by Treaty ther ought to be put upon that country the duty of protecting its minorities.....

A certified true copy
DR MARTIN KOHN
Attorney at Law.

H0787 - 0011

Ri-Exhibit No79

C O P Y

From the White-Paper No 2

203

Documents on the Events preceding the Outbreak of War

No12-

The German Consul-General in Posen to the German Foreign Office

Report

(Translation)

Posen, March 2, 1933.

This year's Agrarian Reform has again deprived the Germans in Poland of valuable land, and has callously and cruelly demonstrated to the German minority what an unrelenting and well-planned attack is being made on them with the object of finally ousting and annihilating them.

This attack is carried out in two directions :

1. Against the economic basis of existence.

2. Against cultural institutions and traditions.

The double pressure thus applied aims at gradually breaking the spirit of the minority, in order to weaken their powers of resistance.....

Losses in barely 14 years thus amount to well over half a million hectares. To this must be added approximately 200,000 hectares of State property and approximately 300,000 hectares of woodland property. These losses have further weakened the situation of the German minority, as a great number of German workers and employees earned their livelihood on this property.

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In all other departments of life the Polish attack is aimed directly at the economic existence of the minority. The dismissal of workers who declare that they are Germans has assumed alarming proportions. Employees of many years' standing are pushed out of their jobs without a pension or with a negligible indemnity. German artisans and tradespeople are boycotted. Doctors are taken off the panel, druggists are dispossessed of their shops, licenses for alcoholic liquor are withdrawn. Such proceedings are not governed by objective motives but simply by the consideration that those concerned are Germans clinging to their Germanism.

In the cultural sphere things look better. German educational activities are the target of specially persistent attack.....

German societies, associations and other cultural organizations are subject to constant oppression.

Hence the German minority see themselves threatened on all sides. The atmosphere of hatred to which the Germans are exposed shows no sign of abating and results in constantly recurring ill-treatment and persecution.

The force of this economic and moral pressure which has now lasted for 14 years has driven a large proportion of the German population - 70 per cent is certainly not too high an extimate- to leave their old home. It is hardly surprising in the above-mentioned circumstances that the German desire to emigrate has not abated. Every day the German Consulate-General receives applications from members of the minority who want to return to the Reich. Recently the number of emigrants to cross the Polish frontier without permission seems to have increased very considerably. Consequently the

H0787 - 0013

German minority schows a further serious decline.

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787-0014

C O P Y

Ri-Exhibit No. 80

From the White-Papers No 2

205

Documents on the events preceding the outbreak of war

No 17 (Page 31)

Memorandum of an Official in the Political Department of the Foreign Office

(Translation)

Berlin, February 8,1932

When the Polish Minister called on me to-day in another connection, I directed his attention to the amazing occurences at the tenth anniversary of the Polish students' Club, Bratnia Pomoc, in Danzig. I pointed out in particular that the speech made by Poland's official Representative in Danzig, M. Lalicki, referring to the return of Danzig to the Polish motherland, as well as the statement made by Landau, a Polish colonel, to the effect that "he hoped that Polish flags would soon be flown on the Danzig City Hall" were hardly likely to allay the unrest which has prevailed among the Danzig population for some time past.....

a certified true copy
signed : Dr. Martin HORN
Attorney at law.

H0787 - 0015

Ri-Exhibit No 81

C O P Y

206

From the White-Paper No 2 : Documents on the Events preceding the Outbreak of War

No 19 (pages 33/34)

No. 19 The German Counsul-General in Danzig to the German Foreign Office.....

Enclosure

From the time of the preliminary negotiations for the Treaty of Versailles to the present, Poland has pursued her policy in regard to Danzig with the greatest consistency. .... Pressure on Danzig grew particularly severe in 1925 when the German-Polish customs and economic war began.....

In 1929 Poland's struggle against Danzig had already assumed proportions which threatened the independent economic and political existence of the Free City. Year by year the struggle grew in intensity, and has now reached its climax.

In the years immediately following Danzig's separation from the Reich, Poland attempted to strangle her by cutting off deliveries of foodstuffs from Poland. Later she adopted the method of preventing Danzig's trade and industry from exporting goods to Poland.....

If the Government of the Free City continue to put up with this system and Poland proceeds to make further demands it is perfectly clear that the whole of Danzig's economic

H0787-0016

life will soon be subject to Polish supervision, to the supervision of Polish officials and Polish competitors, and that the door will be opened to commercial espionage. The time is approaching when Poland will demand of Danzig firms that, if they wish to maintain their existence in Danzig, they must employ a number of Polish workers corresponding to the amount of their exports to Poland.

The League commissioner and the Council of the League of Nations are powerless in face of such Polish measures.

a certified true copy
Dr Martin Horn
attorney at law

(Ri-Exhibit No 81)-suite-

H0787 - 0017

Copy

208

from the White Paper No. 2 : Documents on the Events preceding the Outbreak of War.

No. 9 (Pages 16 / 17)

NO. 9 Advisory Opinion No. 6 Given by the Permanent Court of International Justice September 10, 1923.

Extract

The Council of the League of Nations on February 3, 19. adopted the following resolution :

"The Council of the League of Nations having been apprised of certain questions regarding the following facts :

a) A number of colonists who were formerly German nationals, and who are now domiciled in Polish territory previously belonging to Germany, have acquired Polish nationality, particularly in virtue of Article 91 of the Treaty of Versailles. They are occupying their holdings under contracts (Rentenguts-vertrage) which although concluded with the German Colonization Commission prior to the Armistice of November 11th, 1918, did not receive an "Auflassung" before that date. The Polish Government regards itself as the legitimate owner of these holdings under Article 256 of the Treaty of Versailles, and considers itself entitled to cancel the above contracts. In consequence, the Polish authorities have taken certain measures in regard to these colonists by which the latter will be expelled from the holdings which they occupy ;

b) The Polish authorities will not recognize leases conceded before November 11th, 1918, by the German Government to German nationals who have now become Polish subjects. These are leases over German State properties which have subsequently

H0787-0018

been transferred to the Polish State in virtue of the Treaty of Versailles, in particular of Article 256.

Requests the Permanent Court of International Justice to give an advisory opinion on the following questions :

1. Do the points referred to in a) and b) above involve international obligations of the kind contemplated by the treaty between the United States of America, the British Empir France, Italy, Japan and Poland, signed at Versailles on June 28th, 1919, and do these points come within the competence of the League of Nations as defined in that Treaty?,

2. Should the first question be answered in the affirmative the Council requests the Court to give an advisory opinion on the question whether the position adopted by the Polis Government, and referred to in a) and b) above, is in conformity with its international obligations."

.. ....The Court is of opinion,

That the points referred to in a) and b) of the Resolution of the Council of the League of Nations of February 3r 1923, do involve international obligations of the kind contemplated by the Treaty between the United States of America, the British Empire, France, Italy, Japan and Poland, signed at Versailles on June 28th, 1919, and that these points come within the competence of the League of Nations as defined in that Treaty ;

That the position adopted by the Polish Government, and referred to in a) and b) of the said Resolution was not in conformity with its international obligations.....

Ai-Exhibit No. 82 (Cont'd)

H0787 - 0019

+Particularly noteworthy for the motivation of the Advisory Opinion is the following passage :

"The effect of the enforcement of the law of July 14, 1920, would be to eradicate what had previously been done, so far as de-Germanization would result from requiring the settlers in question to abandon their homes. But, although such a measure may be comprehensible, it is precisely what the Minorities Treaty was intended to prevent. The intention of this Treaty was no doubt to eliminate a dangerous source of oppression, recrimination and dispute to prevent racial and religious hatreds from having free play and to protect the situations established upon its conclusion, by placing existing minorities under the impartial protection of the League of Nations"

A certified true copy
Dr Martin Horn
Attorney at Law

H0787-0020

Ri-Exhibit No. 83

C O P Y

from the White-Papers No 2 : R11

Documents on the events preceding the outbreak of war

NO. 15

Decision given by the League Commissioner
in Danzig, February 2, 1925.

Extract

..... The following is my decision in this case.

(a) The post, telegraph and telephone service which the Polish Government has the right to establish under Articles 29 and 30 of the Treaty of Paris means one office in the Port of Danzig. This office is that allotted to the Polish Postal Administration in the Heveliusplatz.....

a certified true copy
signed : Dr. Martin HORN
Attorney at law.

H0787-0021

C O P Y Ri-Exhibit No. 84

from the White-Papers No 2 : 212

Documents on the events preceding the outbreak of war

NO. 16 (pages 30/31)

Advisory Opinion of a Committee of Jurists
Nominated by the Council of the
League of Nations

(extract)

Geneva, February 19,19

On December 12, 1922, the High Commissioner of the League of Nations at Danzig took the following decision in virtue of Article 39 of the Treaty between Poland and the Free City of Danzig, dated November 9, 1920 :

"Poland has no right to establish on Danzig territory a railway direction which deals with the management of railways other than those situated within the territory of the Free City, except by agreement with th Free City of Danzig."

..... The Treaty of Versailles gave to Poland certain rights in relation to the Free City of Danzig with the object of ensuring to Poland free access to the sea. As the attribution of these rights to Poland constitutes a departure from the ordinary rules of international law with regard to relations between States, it was necessary to provide for them in a treaty. Such provision is made in the Treaty of Versaillesand in the decisions and agreements which followed it.....

H0787 - 0022

212a 213a

..... The Committee of Jurists is unable to find in the treaties, decisions and agreements in force any other provision in support of the Polish point of view. In these circumstances it is of the opinion that the High Commissioner's decision of December 12, 1922, is in conformity with the treaties, decisions and agreements in force.

Van EYSINGA
C. VIVANTE
A. NIQUILLE

a certified true copy
signed : Dr. Martin HORN
Attorney at law.

(suite) Ri-Exhibit NO. 84

H0787 – 0023

been fixed in such a way that as long as this demarcation held good, a peaceful coexistence of the two people was practically inconceivable. He respected every nationality and regarded Poland as an actuality which he was fully prepared to acknowledge. But at the same time he demanded that Poland for her part should treat Germany as an actuality. If, at the time when the Treaty of Versailles was signed, people had not been wholly unable to think clearly, Poland herself ought never to have consented to the establishment of a corridor through German territory, for it was obvious that such a corridor would inevitably give rise to a continual state of tension between Germany and Poland. It would have been much wiser to have choosen the outlet to the sea to which the Minister had referred as an inalienable right on Poland's part, on the other side of East Prussia. Had that been done, friendly relations would long have existed between Germany and Poland and there would also have been a possibility of an economic understanding. He, the Chancellor only hoped that the political question still pending between Germany and Poland would one day be investigated and dealt with dispassionately by the statesmen of both countries. He was convinced that a way out of the present intolerable situation could then be found. Germany wants peace. He reserved the right, however, to vindicate the rights to which he was entitled by virtue of treaty at any time and as he thought fit.

Exhibit No 85 a.

H0787-0024

Ri- Exhibit No 85

COPY

From the White-Paper no 2 : Documents on the Events preceding the Outbreak of War.

No 26

Memorandum of the German Foreign Minister Concerning a Conversation of the Fuehrer with the Polish Minister.

(Translation)

Berlin, May 2, 1

This morning the Reich Chancellor in my presence re ved the Polish Minister who, on behalf of his Government, pointed out that since the National Socialist Party had ca into power in Germany a growing uneasiness had manifest its in Poland, an uneasiness which had at times amounted almos to panic. The Minister emphasized Poland's interest in a free outlet to the sea which no Polish Government could eve again renounce. For this reason Poland was compelled to mai tain her title to Danzig. He had been instructed to obtai an assurance from the Chancellor that Germany had no intentions of altering the present status in Danzig.

The Chancellor replied to M! Wysocki by stating that in the first place he was forced to deny that Poland had any particular claim to Danzig. If uneasiness prevail in Poland, he could say only that there was even greater cause for such uneasiness in Germany where there was a con tant felling of being threatened on account of events in Upper Silesia, the concentration of troops on the frontie and the occupation of the Wester platte in Danzig. Owing t the short-sightedness of statesmen, malevolence and lack of insight the frontier between Germany and Poland had

H0787-0025

At the request of the Polish Minister, the Chancellor agreed to issue a communique concerning his meeting and conversation with the Minister, the text of which is annexed.

Frhr von Neurath

A certified time copy.
Dr Martin Horn
Attorney at law.

Exhibit No 85

H0787-0026

COPY Ri- 86 215

From the White-Paper No 2 : Documents on [illegible]

THE Events preceding the Outbreak of War.

No 27 German Official Communique, May 3, 1933.

(Translation)

M, Wysocki the Polish Minister, today called upon th German Chancellor. The conversation, at which Baron von Neurath, Minister for Foreign Affairs, was present, dealt with the political questions pending between Germany and Poland. The Reich Chancellor emphasized the firm intention of the German Government to adhere strictly in their attitude and their actions to the terms of existing treaties, The Chancellor expressed the wish that the two countries should dispassionately investigate and deal with their common interests.

A certified true copy
Signed : Dr Martin Horn
Attorney at law.

H0787-0027

Ri - Exhibit No 87

COPY

16

From the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 23. Polish Official Communiqué 4 May 1933

Translation

The conversation which the German Chancellor had with M. Wysocki, the Polish Minister, in the presence of Baron von Neurath, Minister for Foreign Affairs, on the 2nd inst., a report of which has been published by the Wolff Bureau, has had a calming influence on German-Polish relations.

In connection with this conversation, M. Beck, the Polish Foreign Minister, received Herr von Moltke, the German Minister in Warsaw, and emphasized the fact that the Polish Government for their part have the firm intention of adhering strictly in their attitude and their actions to the terms of existing treaties. The Polish Foreign Minister further expressed the wish that the two countries should dispassionately investigate and deal with their common interests.

A certified true copy

Signed : Dr. Martin H o r n

Attorney at Law

H0787-0028

Ri-Exhibit No88

217

C O P Y

from the White-Paper NO 2

Documents on the Events preceding the Outbreak of War

No31-

The State Secretary at the Foreign Office to the German Minister in Warsaw

Order

(Translation)

Berlin, September 25,193

The opinion is shared here that, as a part of the policy to bring about a "détente" in German-Polish relations, economic conversations with Poland should be reopened.....

I ask you to discuss the question of the resumption of econonic discussions with the Polish Government and to report on the result.

von Bulow.

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787 - 0029

Ri-Exhibit No89

218

C O P Y

from the White-Paper No 2

Documents on the Events preceding the Outbreak of War

No32 - [illegible] 1

The State Secretary at the Foreign Office to the German Minister in Warsaw

Telegram

(Translation)

Berlin, November 15,1933

The conversation between the Chancellor and M.Lipski took place this morning in the presence of Baron von Neurath..... This "communique" has been agreed upon with M. Lipski, who has also obtained the approval of the Warsaw Government*.....

a certified true copy

signed: Dr Martin HORN

Attorney at law.

*The text of the "communique" is as follows:-

"This morning the Reich Chancellor received the Polish Minister who called on him for the first time. The discussion concerning German-Polish Relations revealed the complete agreement of both Government to tackle questions affecting both countries by means of direct negotiations and to renounce any resort to force in their mutual relations."

H0787-0030

RIS Exhibit number
DOCUMENT NO. T C 21

219

C O P Y

Publication concerning the German - Polish Declaration

of 26 January 1934.

Dated 16 March 1934.

On 26 January 1934 the German - Polish declaration has been signed in BERLIN which is published below.

The declaration has been ratified. The exchange of the ratification documents took place on 24 February 1934 in WARSAW. The declaration became valid on the same day.

BERLIN, 16 March 1934.

The Reich Minister of the
Foreign Office

FREIHERR VON NEURATH

118 Reich Legal Gazette (REICHSGESETZBLATT), year 1934, Part II.

H0787-0031

RIS Exhibit No.
DOCUMENT NO. TC 21

120

DECLARATION

The German Government and the Polish Government consider that the time has come to introduce a new era in the political relations between Germany and Poland, by a direct understanding between the States. They have therefore decided to establish by the present declaration a basis for the future shaping of those relations.

The two Governments assume that the maintenance and assurance of a permanent peace between their countries is an essential condition for general peace in Europe. They have therefore decided to base their mutual relations on the principles contained in the Pact of Paris of 27 August 1928, and they wish to define the application of these principles more exactly, in so far as the relations between Germany and Poland are concerned.

At the same time, each of the two Governments declares that the international obligations already undertaken by it toward other parties do not impede the peaceful development of their mutual relations, do not contradict the present declaration, and are not affected by this declaration. They further declare that this declaration does not extend to such questions as under international law are to be considered exclusively as domestic affairs of one of the two States.

The two Governments declare their intention of reaching an agreement directly on questions affecting their mutual relations, of whatever kind they may be. Should any disputes arise between them and should it not be possible to reach an agreement thereon by direct negotiations, in each individual case they will seek a settlement through other peaceful means, on the basis of mutual agreement, without prejudice to the possibility of applying those methods of procedure, in case of necessity, which are provided for such a case in the other agreements between them that are

H0787 - 0032

in force. Under no circumstances, however, will they proceed to the use of force for the purpose of settling such disputes.

The guarantee of peace created by these principles will make easier for the two Governments the great task of finding for problems of a political, economic and cultural nature solutions based on just and fair reconciliation of the interests of both parties.

The two Governments are convinced that in this way the relations between their countries will develop fruitfully and will lead to the establishment of good neighborly relations, which will provide blessings not only for their two countries, but also for the other nations of Europe.

The present declaration is to be ratified and the instruments of ratification exchanged at Warsaw as soon as possible. The declaration shall remain in effect for a period of 10 years, counting from the day of the exchange of instruments of ratification. In case it is not denounced by one of the two Governments 6 months before the expiration of that period of time, it shall continue in effect, but can then be denounced by either Government, at any time, 6 months in advance.

Prepared in two originals in the German and the Polish languages.

Berlin, 26 January 1934.

For the German Government:
C. Freiherr von Neurath

For the Polish Government:
Jozef Lipski

A true copy:
s/ M. HORN
Dr. MARTIN HORN,
Attorney at law.

H0787 - 0033

Ri-Exhibit NO 90

C O P Y

221

from the White-Paper No 2

Documents on the Events preceding the Outbreak of War

No 33 -(Page 33)

The Foreign Minister to the German Minister in Warsaw

Telegramm (Translation)

Berlin, November 24,1933

The Reich Chancellor agrees to the draft of a German-Polish declaration which has already been personally delivered to you here. The Chancellor further agrees that you should hand this draft in audience to Marshal Pilsudski on behalf of the German Chancellor. Please make immediate formal application for this audience and press for a speedy fixing of the date.

Please observe the following lines in what you say at the audience : The Chancellor sincerely thanks the Marshal for his greetings which he reciprocates. He has welcomed with satisfaction the attitude adopted by the Marshal, with whose views he is in complete accord as is clear from the joint press "communiqué". The Chancellor thinks it advisable not to let matters rest after the publication of this "communiqué", but to find a way in which the ideas and aims of both Governments could be more clearly specified and have greater political weight. He had therefore instructed you to hand the Marshal a draft of a declaration such as might be made by both Governments in order to achieve the desired end. To explain the wording adopted in this draft you should point out that the Chancellor thinks it advisable not to use the traditional concepts and their somewhat

H0787-0034

outworn formulas which are already somewhat trite, but to choose instead a form which would make the political decision of the two Governments absolutely clear and would make a deeper impression than the usual form of pact which no longer enjoys its old esteem. You should, however, emphasize in this connection that the form chosen in the draft in no way affect the binding nature of the terms to be agreed upon, as can be seen from the fact that provision is made at the end for ratification.

For your information I should like to point out that the wording of the declaration as suggested by us in no way implies the recognition of Germany's existing eastern frontiers, but on the contrary articulates the fact that by means of this declaration a basis shall be created for the solution of all problems, i.e. also territorial problems.

N e u r a t h

a certified true copy
signed : Dr Martin HORN
Attorney at law.

H0787 -0035

C O P Y Ri-Exhibit No. 91

from the White-Paper No. 2 : 223

Documents on the events preceding the outbreak of war

No. 54

The German Consul at Cracow

to the Foreign Office

report

(Translation)

Cravow, November 3, 1934

Between October 31 and November 2, 1934, there was a congress here dealing with problems affecting Pommerellen this congress was arranged by the Baltic Institute of Thorn.....

Schillinger

A P P E N D I X

extract

.... In the discussion it was mentioned that means were lacking for establishing settlements, whereas the position of the German owners of estates was being strengthened by credits. At this point a colonel in uniform took the floor, and stated that money ought not to play any part in the matter. One should not become a victim of false hopes by reason of the Agreement with Germany. On the contrary, this agreement had value only in so far as the end of ten years nothing would remain which could be regarded as dangerous for this territory.....

a certified true copy

Dr, Martin HORN

attorney at law

H0787 - 0036

Ri-Exhibit No. 92

COPY

224

from the White-Paper No.2: Documents on the Events preceding the outbreak of War.

No. 145

No.145 The German Consul-General at Kattowitz to the Foreign Office

Report

Kattowitz, February 3, 1939

On the occasion of the congress which the West Marches Society recently held here, the head of the society, M. Mieczslaw Zaleski from Warsaw, spoke on "German-Polish relations in connection with the present international situation". In the cotrse of his speech M. Zaleski characterized the Polish policy briefly and candidly as follows:

The conformity of procedure on the part of Germany and Poland was not a consequence of conformity in actual political aims, but was only dictated by tactical reasons. It was in the problem of the national minorities that one could see the best reflection of the actual political tendencies. In contrast to the political agreements dictated by the present situation, the object of which was to gain conjunctional advantages, the policy in regard to national minorities was a far-seeing calculation and aimed at preparing the ground for a future conflict.

Noeldeke

A certfied true Copy:

s/ Dr. Horn
t/ Dr. MARTIN HORN
Atterney at Law.

H0787 - 0037

Ri-[illegible] N°93

225

C O P Y

From the White-Paper N°2

Documents on the Events preceding the Outbreak of War

N°44.-----Page 39

The German Consul-General at

Kattowitz to the Foreign Office

Report

(Translation)

Kattowitz April, 28. 1934

The account of Polish measures directed against the Minority school system, as contained in the Appendix to the Order of April 25, gives only a slight picture of the more or less overt terrorism being practised at present in connection with the entering of children for the German Minority schools in Polish Upper Silesia So far there has been no noticeable relaxation , as compared with previous years, of the agitation carried on by the most diverse Polish organizations.....Certainly the policy of rapprochement has as yet had no effect here.

For the Consul-General

Q u i r i n g

A certified true copy

signed: Dr. H o r n

Attorney at Law

H0787 - 0038

Ri-Exhibit Nr.94

226

C O P Y

from the White-Paper Nr.2

Documents on the Events preceding the Outbreak of War

Nr.46 (Page 39)

The German Consul at Thorn to the Foreign Office

Report

(Translation)

Thorn, June 28, 1934

I have repeatedly had occasion to report that, although the ten-year pact between Germany and Poland has brought about a certain apparent "détente", there has, apart from this been no alteration in Poland's relation to Germany in my district, especially as regards the treatment of the minority.

.....

von Kuchler

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787 - 0039

Ri-Exhibit No. 95

Copy

from the White-Paper No. 2: Documents on the Events preceding the Outbreak of War

No. 47

227

No. 47 The German Consul-General at Kattowitz to the Foreign Office

Telegram

(Translation)

Kattowitz, August 1, 1934

At members' meeting of the German League, Prince von PLESS, its President, made a speech in which he dealt with the existing relations between Germany and Poland and their effect on the position of the minority. The Prince declared that those who had hoped for immediate improvement in the situation as a result of German-Polish negotiations were doomed to disappointment, for long-standing antagonism could not be done away with overnight; but no one could have foreseen the position of the German community would become more critical instead of improving. The aggravation consisted chiefly in the increasing number of dismissals of German workers, who were thus deprived of their livelihood.

NOELDEKE

A certified true Copy:

Dr. HORN
Attorney at Law.

H0787 - 0040

Ri-Exhibit No. 96

Copy 2289

From the White-Paper No. 2 Documents on the Events preceding the Outbreak of War.

No. 41 (Page 37/38)

No. 41 The German Minister in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, December 28, 1933

Shortly before Christmas M. Calonder, President of the Mixed Commission at Kattowitz, spent two days in Warsaw..... He professed to be very well satisfied with his conversation with M. BECK, the Minister for Foreign Affairs, although he could not rid himself of the impression that the latter's great desire for independence made all international supervision very distasteful to him. Nevertheless, he said things would be much better in Upper Silesia if M. BECK's views on the treatment of the minority were shared there. But that was unfortunately by no means the case and much to his regret he had to state that the welcome policy of rapprochement now being pursued by Germany and Poland had as yet brought no improvement in this respect. He even had the impression that the provincial authorities rebelled inwardly at the idea of a rapprochement and that they were attempting, by the adoption of severe measures against the minority, to counteract the Government's policy or else to achieve faits accomplis in case the rapprochement policy should actually make headway.

von MOLTKE

.....

A certified true Copy

Dr. HORN
Attorney at Law.

H0787 - 0041

Ri-Exhibit No. 97

C o p y

230+1

from the White-Paper No. 2: Documents on the Events preceding the Outbreak of War

No: 48

The German Consul at Geneva to the Foreign Office

(Translation)

Telegram

Geneva, September 7 1934

The following noteworthy points emerge from a conversation yesterday with an important official in the League of Nations Secretariat about Polish motion regarding minorites:

1. In the opinion of the Secretariat there is no prospect of Poland's motion for the generalization of minorites protection being carried, because the Great Powers as well as other states are opposed to it.

2. The Secretariat is likewise of opinion that there is little prospect of Poland's being successful in demanding that she should be freed from the obligations imposed on her by the Minorities Treaty, if her motion for generalization of minorites protection is rejected. As a matter of fact, Poland, by citing her unilateral obligations under the Minorities Treaty, especially together with the fact that Russia when she joins the League of Nations will in all probability not have such obligations imposed on her, could demand the alteration of the minorities provisions under Article 12 of the Polish Minorities Treaty,* which would eventually be tantamount to cacelling them completely. For this, according to the conditions of Article 12, a simple majority in the League Council would be sufficient. Such an attempt might however be opposed by the Great Powers on the grounds that the minorities protection was a preliminary condition for the allocation of large territories to Poland an to the Little Entente, and that the cancellation of the treaties for the protection of minorities would open up the question of general revision. In the opinion of the Secretariat, the Little Entente as well as Greece are whole-heartedly disinclined to support the Polish motion as they are in a similar position regarding the interdependence of territorial and minorities questions.

Krauel

A certified true Copy:

Dr. Horn
Attorney at Law

H0787 – 0042

Ri-Exhibit No. 98

Copy

252

rom the White-Paper No. 2: Documents on the Events preceding the Outbreak of War

No. 49

Memorandum of the State Secretary at the Foreign Office

(Translation)

Berlin, September 13, 1934

Consul KRAUEL has just telephoned from Geneva as follows:

BECK has just made a speech in the League Assembly which was devoted almost entirely to the minorities question and in which he declared that Poland must insist upon a generalization of the obligations with regard to minorities; he had, however, heard that several states would adopt an oppositional attitude. He was therefore, compelled to state that Poland would, in the future, refuse all co-operation which would assist international bodies in supervising her execution of the provisions for the protection of minorities.

von KAMPHOEVENER

A certified true Copy:

Dr. Horn
Attorney at Law

H0787-0043

Ri-Exhibit No. 99

Copy

233

from the White-Paper No 2 ; Documents on the Events preceding the Outbreak of War

No. 52

No. 52 The Minister for Foreign Affairs to the German Ambassador in Warsaw

Order

(Translation)

Berlin, November 14, 1934

The attitude adopted by the Polish Government in Geneva practically amounts to a termination of the Treaty for the Protection of Minorities, since they refuse all co-operation with international bodies until a general and international system of minorities protection as proposed by them is put into force. A danger thus exists that the servitude imposed in 1919 upon the territories ceded by the Reich to Poland may be done away with, and that the whole status of eastern frontier questions is becoming materially aggravated to Germany's disadvantage. We cannot therefore simply submit in silence to Poland's unilateral alteration of existing conditions. Such silence could only be interpreted as a tacit acceptance on our part of the situation created by Poland's recent decision. Moreover, the oppressed condition of the German minority in Poland imperatively demands that the German Government make definite representations on the subject to the Polish Government.. .....

3. Please state that you are instructed to say from the outset that it is in no sense our intention to make Poland's refusal to co-operate with the League of Nations in minorities questions a subject for discussion as such, nor to bring the

H0787-0044

treatment of these questions into the international limelight again. We can regard the cooperation of the League of Nations with indifference, as we have long recognized its futility. Moreover, one of the main objectives of the German-Polish Agreement, concluded in January of this year, was to avoid the discussion of German-Polish questions before international bodies, but to negotiate them, instead, by a direct exchange of opinions. We can sympathize with Poland if she considers that her interests would not be served by an international system of control.

4. All this, however, does not alter the fact that the territories ceded to Poland by the Reich contain large number of inhabitants of German birth, and that the minority rights promised to these people form an integral part of the general settlement of 1919. It is impossible for Germany to disinterest herself in the fate of these groups. Such an attitude on her part would meet with no understanding at all among the German people. It is true that the German press, acting on the wishes of the Government and in the interests of German-Polish relations, has made but slight reference recently to the situation of the German minority in Poland, but this should not blind anyone to the fact that the fate of our fellow-Germans and the treatment by the Polish state and the people of Poland cannot be a matter of indifference to us....

Frhr. von Neurath

A certified true copy

Dr. Martin HORN

Attorney at Law.

Hi-Exhibit No 99 (Cont'd)

H0787-0045

Ri-Exhibit No. 1

Copy

235

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War

No. 53

No. 53 The German Ambassador in Warsaw
to the Foreign Office

Report

(Translation)

Warsaw, November 19, 1934

In accordance with your instructions I called on M. Beck today to discuss the attitude adopted by the Polish Government on the minorities question.....

M. Beck ... replied somewhat as follows :

He assured me that the rights of the minority would continue to be protected by the Polish Constitution.....

von M o l t k e

A certified true copy
Dr. Martin
Attorney at Law.

H0787 - 0046

C O P Y

Ri-Exhibit No 101

from the White-Paper No. 2 : 256

Documents on the events preceding the outbreak of war

No 55

The German Consul-General at Posen

to the Foreign Office

report

(Translation)

Posen, February 18, 1935

Agrarian Reform has now again been applied in the main against the Germans. Of the estates which are to be compulsorily split up into plots for the year 1935, out of a total of 11,250 hectares, 6,797 hectares have been expropriated from German possession.....

Lütgens

a certified true copy
signed : Dr. Martin HORN
Attorney at law.

H0787-0047

Copy

Ri-Exhibit No 102

237

from the White Paper no 2 : Documents on the Events preceding the Outbreak of War.

no. 63

No. 63 The German Representative in the Mixed Commission for Upper Silesia to the Foreign Office

Report

'Translation'

Beuthen, January 3, 1936

We have another communication in regard to the point of view of President Calonder on the question of dismissals of workmen (complaint in the case of Joh. Groner).

In this case the President insists more emphatically than in previous ones that the Poles in the case of dismissals of workmen have been proceeding arbitrarily and discriminating according to whether the workmen belong to the majority or minority. He also expressly emphasizes that the numerous cases of complaint make it clear that many Polish concerns are pursuing a dismissal policy hostile to the German minority, and that this general condition is well known to the Polish Commissioner for Demobilization (page 7) .....

Nölldeke

A certified true copy

Dr MARTIN BORN

Attorney at Law

H0787-0048

Ni-Exhibit No. 103

Copy

158

from the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 64

No 64 The German Consul-General at Thorn
to the Foreign Office

Report

(Translation)

Thorn, February 18, 1930

Yesterday the official List of Names for agrarian reform for 1930 appeared.

The estates subject to compulsory division into plots in Pommerellen include German estates to the extent of 4,784 hectares, and Polish estates to the extent of 2,900 hectares. This alone is a clear proof of the unfair treatment of German property in comparison with Polish .....

von Kuchler

A certified true copy
Dr. Martin BORN
Attorney at Law

H0787-0049

Ri-Exhibit No 104

C O P Y

259

From the White-Paper No 2. Documents on the Events preceding the Outbreak of War.

No 65

No. 65 The German Consul-General at Kattowitz to the Foreign Office

Report

(Translation)

Kattowitz, April 4,1936

The numerous anti-German demonstrations which have lately been organized here by different Polish association and parties, particularly by the West Marches Society, have caused President Calonder to request M. Steblowski, the Polish member on the Mixed Commission, to visit him, and to draw his urgent attention to the dangerous consequences which could arise from these demonstrations.....

Nöldeke

a certified true copy
Dr. Martin Horn
attorney at law

H0787 - 0050

Hi-Exhibit No. 105

Copy

) 14 (

from the White- Paper no. 2 : Documents on the Events preceding the outbreak of War.

No. 7o

No. 7o The German Consul-General at Thorn

to the Foreign Office

Telegram

(Translation)

Thorn, April o, 1937

In several meetings held at Graudenz by the ill-famed West Marches Society, a speaker demanded German land east and west of Pommerellen. Have protested to the Voivodeship, but request that you also protest.

Kuchler

A certified true copy

Dr MARTIN FLAM

Attorney at Law.

H0787-0051

Ri-Exhibit No. 106

Copy

241

from the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No. 76

No. 76 Memorandum of the Acting State Secretary at the Foreign Office

(Translation)

Berlin, April 9, 1937

I informed the Polish Ambassador, whom I had requested to call on me, of the démarche taken yesterday by Herr von Moltke in Warsaw upon our instruction, regarding the anti-German activity of the Polish West Marches Society.

Dieckhoff

A certified true copy

Dr. MARTIN HORN

Attorney at Law.

H0787-0052

Pl-Exhibit No 107

Copy

242

from the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 79

No 79 The German Consul-General at Thorn
to the Foreign Office

Report

(Translation)

Thorn, April 7, 1937

In the district of Soldau agitation is again being carried on with increased violence against everything German, and the population are being called upon to boycott the Germans and the Jews. At the end of last month placards with the following words appeared in Soldau during the night :

"Do not buy from Germans and Jews !
If you do not comply with this demand,
you will feel this fist ! "

A fist holding a dagger is also represented on the placards.

I have drawn the attention of the Voivodeship to this state of affairs.

von Ahlefeldt

A certified true copy
Dr Martin HORN
Attorney at Law

H0787-0053

from the White-Paper No.2 : Documents on the events preceding the Outbreak of War.

No 81

No 81 Conversation of the German Foreign Minister with Polish Foreign Minister Beck

Memorandum

(Translation)

Berlin, January 20, 1937.

I drew the attention of M. Beck to the expiration of the Geneva agreement concerning Upper Silesia, and emphasized the necessity of coming to a timely settlement of a series of technical questions in the economic sphere. M. Beck declared that Poland was also prepared to negotiate as soon as possible and that M. Lipski had already been instructed presently to discuss the question of the railways with us. He further said that the experts were to meet as soon as possible in order to deal with the other questions which require a re-settlement.

Frhr. von Neurath.

A certified true copy

Dr. Martin Hahn

Attorney at Law.

Ri. Exhibit No. 108

144

Transcript from

The White - Paper

Documents on History preceding the War

Nr. 81

Remarks on

Conversation of the Reich Minister for Foreign Affairs with the Polish Minister for Foreign Affairs, Beck.

On 15 July 1937 the most essential parts of the German-Polish agreement on Upper Silesia signed in Geneva on 15 May 1922 expired. - The conclusion of this agreement was imposed upon both countries by the decision of the conference of envoys of 20 Oct. 1921, in order to insure, as expressed in the agreement's preamble, the maintenance of economic life in Upper Silesia as well as the rights of minorities. -

Since, according to the conception of the German Government, both states were interested to examine mutually whether the expiration would not eliminate vitally important rights and economic norms in the future which were considered necessary or appropriate, the German Government strived to arrive at an understanding with Poland which covers the rightful interests of the bilateral economy. The conferences on this matter began immediately after the above mentioned conversation and they were held partly in Berlin, partly in Warsaw by special delegations. Meanwhile the result was a relatively small one only due to the negative attitude of the Polish Government. While it was possible even to reach an understanding on some technical and economic questions, the points mainly related to the way of life of the population as the residence-rights of holders of an option and the safeguarding of rights, required before that transition of sovereignty, of individual and legal persons ("fairly aquired rights") remained unsettled. The Polish Government endeavored to free

H0787-0054

H0787-0055

itself definitely of any commitments, which it considered as onerous. With no consideration for human or economic relationship, the frontier, which in some way had become almost invisible by the introduction of special commuting cards during the 15 years of the transition period, was almost completely closed. Thousands of German holders of an option were expelled from the country and the expropriation of German land property was initiated by measures of agrarian reforms.

Copy certified by:

(signed) Dr. Martin Horn

Dr. Martin Horn
Attorney-at-law.

H0787-0056

Copy

246

from the White-Paper No. 2 : Documents on the Events preceding the Outbreak of War.

No. 82

No. 82 The German Foreign Minister to the German Ambassador in Warsaw

order

(Translation)

Berlin, February 22, 1937

The discussions with the Polish Government in regard to the approaching expiration of the Geneva Agreement have been limited to the technical provisions for economic matters contained in the Agreement.

What has not been touched upon so far, however, is the well-known main issue, namely the problem of protection for the minorities, which is the kernel of the Geneva Agreement, and is of far-reaching political import.

The spirit and purpose of the Geneva Agreement according to its preamble, was to guarantee the economic life of Upper Silesia, and at the same time to guarantee the protection of the minorities ; and for years the German Government have been carrying on an unreluctant fight for this protection.

These provisions will cease to be in force when the Agreement expires on July 14, 1937 and it is not clear how the German minority in East Upper Silesia, whose difficult position continues to cause the German Government great anxiety, can be protected in the future. It is true that in the Polish Constitution all citizens are expressly assured equal rights. However, seeing that even in the present state of affairs the minority ha

H0787-0057

been discriminated against, notably by the Voivode Grazynski in Kattowitz, it is obvious that in the absence of special provisions for its protection it will be completely at the mercy of the arbitrary Polish authorities....

I therefore request that you take the next opportunit to inquiry the Polish Government how they envisage the protection of the respective minorities in Upper Silesia upon the expiration of the Geneva Agreement, and whether eventually they would be prepared to enter into negotiations with the German Government in regard to the conclusion of a new agreement for the protection of these minorities.....

Frhr. von Neurath

A certified true copy

Dr MARTIN BORN

Attorney at Law.

Ni-Exhibit No 109 (Cont'd)

H0787-0058

Ri-Exhibit No.110

C O P Y

from the White-paper No.2:

Documents on the Events preceding the Outbreak of War.

No.83

The German Ambassador in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, March 16, 1937

.....

Count Szembek replied that, as far as he was inform the Polish Government did not regard with favor the questio of a bilateral treaty for the protection of the minorities. He said that it was not necessary to guarantee the minority rights of the German minority in Polish Upper Silesia by tr ty, inasmuch as the Polish Constitution already afforded ex tensive protection. On the other hand, little benefit to t Polish minority in Upper Silesia could be expected from suc a treaty, since this minority, quite unlike the German mino rity in Poland, was far too poorly organized to be able to profit from a bilateral treaty for minorities. .....

von Moltke

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787-0059

Ri-Exhibit No.111

C O P Y

249

from the White-paper No.2:

Documents on the Events preceding the Outbreak of War

No.84

The German Ambassador in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, April 19, 1937

I had a detailed conversation with Foreign Minister Beck today concerning the question of the expiration of the Genova Agreement. In the first place I pointed out that in the opinion of the German Government both States have an interest in examining the question together to ascertain whether the expiration of the greement would dissolve certain legal and economic institutions of vital importance, the maintenance of which appears necessary or advisable. After putting before him the questions which would have to be dealt with in the course of such an examination I drew his attention to the repeated conversations with Count Szembek, and stated that the German Government also hoped to come to an understanding with the Polish Government, on the question of the protection of the minorities, an understanding in the spirit of the Non-Aggression Pact and based upon the desire for the maintenance of good relations between our two countries.

.....

M. Beck admitted that the present situation was unsatisfactory, and explained that he appreciated the full significance of the problem which had led to our proposals. He then was worried lest the minorities question proved prejudicial

H0787-0060

250

-the relations between Germany and Poland, and it was correc
that this question was of great importance in regard to its
effect upon public opinion and the promotion of good rela-
tions between our two peoples; it was, however, a very deli
te matter. ..... The negative attitude, however, of the
Polish Government in regard to an obligation in questions o
protection of the minorities by no means precluded the subj
tion of the actual situation - he repeated with emphasis se
ral times: "situation de fait" - to a joint examination. ..

....

I have not gained the impression that the Poles in-
tend to go deeply into an "examination of the situation", b
I rather believe that this way out has been chosen merely i
order to avoid the appearance of too abrupt a rejection of
proposal. ....

von Moltke

a certified true copy
signed: Dr Martin HORN
Attorney at law.

Cont.Ri-Exhibit No.111

H0787-0061

Ri-Exhibit No 112

C O P Y

from the White-Paper No 2

251

Documents on the events preceding the outbreak of War

No 85--------

Memorandum of an Official in the Political
Departement of the Foreign Office

(Translation)

Berlin, May 14, 1937.

The negotiations concerning questions that arise from the expiration of the Genova Agreement are proceeding very slowly here.....

von Lieres

a certified true copy
signed : Dr Martin HORN
Attorney at law.

H0787-0062

Ri-Exhibit No 113

252

C O P Y

from the White-Paper No 2

Documents on the Events preceding the Outbreak of War

No86 -- [illegible]

The German Delegation in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, May 28, 1937.

All the present negotiations in Warsaw concerning questions connected with the expiration of the Geneva Agreement make it evident that the administrative agencie are distinctly under pressure from the Upper Silesian Voivode, and that therefore political considerations are very apt to enter into the framing of material decisions....

M a c k e b e n

a certified true copy
signed : Dr Martin HORN
Attorney at law.

H0787-0063

Ri-Exhibit No114

253

C O P Y

from the White-Paper No 2

Documents on the Events preceding the Outbreak of War

No87-

The German Foreign Minister to the German Ambassador in Warsaw

Order

Berlin, May 28, 1937.

With reference to the verbal discussion of the minority question during your last visit to Berlin I request you to raise the matter again with M.Beck as soon as possible.....

Frhr. von Neurath.

a certified true copy
signed : Dr Martin HORN
Attorney at law.

H0787-0064

Ri-Exhibit No.115

C O P Y

FROM THE WHITE-PAPER No.2 264

Documents on the Events preceding the Outbreak of War

No.88-

The German Ambassador in Warsaw to the Foreign Office -

Report

(translation)

Warsaw, June 1, 1937.

I called on M.Beck to-day to make my "démarche" according to your instructions and handed him the attached Memorandum to which I added a detailed elucidation. M.Beck listened very attentively but showed no signs of agreement or disagreement with my remarks. When I pointed out in conclusion that my instructions from Herr von Neurath had been ordered by the Fuehrer and Chancellor, M.Beck appeared to be distinctly impressed, and repeated that the Fuehrer's desires were always certain to receive particularly serious consideration in Warsaw. Of course he would immediately submit the topic of my discourse to the Premier or to the Cabinet and therefore withheld the reaction of the Polish Government for the present,...

von Moltke

H0787-0065

Appendix

M e m o r a n d u m

Warsaw, June 1, 1937.

245

...

4. The German Government, who find it impossible to relax their interest in the fate of people of German birth living in Polish territory, had and still have the hope that in giving active expression to their interest for these section of the population, they not finally have to rely upon the concrete fact that Poland, as an integral part of the total settlement effected in 1919, has assumed unilateral obligati with regard to the minorities. It is for the very purpose of avoiding a misinterpretation of German political intentio and of obviating any element of political bitterness in future discussions of minorities questions, that Germany has proposed bilateral agreements which would place her under obligations similar to Poland's. If the Polish Government should actually give a definite refusal to this proposal despite Germany's effort to meet Poland half-way, then there is only one way of arriving at a fundamental understanding for dealing with the minorities problem: conceivably, the two governments might make separate but simultaneous declarations to the same effect, concerning the protection of German and Polish minorities living in their respective territories. Although this way has many disadvantages when compared with the method of settlement by treaty, the German Government would yet agree to it as a last resource, because the situation would thereby be clarified at least to some extent....

a certified true copy
signed : Dr Martin HO
Attorney at law.

H0787-0066

Ri-Exhibit N°116

250

C O P Y

From the White-Paper N°2

Documents on the Events preceding the Outbreak of War

N°90

The German Foreign Minister to the

German Ambassador in Warsaw

Telegram (Translation)

Berlin.June 18, 1937

Request you to hand to Polish Foreign Minister at on German proposal for minorities declaration in accordance with conversation of June 5. Use wording sent by air courier to day. In course of discussion on declaration point out especially that application of Agrarian Reform Law and Frontier Zone Order for purposes of de Germanization would be, in opinion of German Government, incompatible with declaration.

Request you further to suggest holding of regular discussions on minorities questions between representatives of both countries.

N e u r a t h

A Certified true copy
signed: Dr. H o r n
attorney at Law

H0787-0067

Ai-Exhibit N°117

257

COPY

From the White-Paper N°2.

Documents on the Events preceding the Outbreak of War

N°92.

Memorandum by an Official in the Political Department of the Foreign Office.

(Translation)

Berlin, June 24, 1937

The German Foreign Minister requested the Polish Ambassador to call on him today to discuss the present status of the official negotiations concerning the Geneva Agreement for the present progress of these negotiations does not satisfy us.....

..... The Foreign Minister also pointed out to the Polish Ambassador that we could not accept the rigorous attitude of Poland on the expulsion of those who had exercised their option.

Von Lieres

A certified true copy

Signe: Dr. Martin Horn

Attorney at Law

H0787-0068

[illegible] °11[illegible]

258

C O P Y

From the White-Paper N°2

Documents on the Events preceding the Outbreak of War

N°94 [illegible]

The German Ambassador in Warsaw

to the Foreign Office

Report (Translation)

Warsaw July, 30, 1937

Foreign Minister Beck requested me to come to him today in order to continue the discussions on the Minorities Declaration.....

.....M. Beck thereupon handed me the draft for the Minorities Declaration with his alterations.....

A certified true copy

Signed : Dr. Martin H o r n

Attorney at Law

H0787-0069

Ri - Exhibit No 119

C O P Y

1 1 9

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 95 - The German Ambassador in Warsaw to the Foreign Office.

Telegram

(Tramslation)

Warsaw, August 26, 1937

In today's conversation on the minorities communique the Polish Foreign Minister accepted our formulation. . . . . .

A certified true copy

Dr Martin HORN
Attorney at Law

H0787-0070

Ri - Exhibit No 120

C O P Y

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 96 - The German Consul-General at Kottowitz to the Foreign Office.

Report (Translation)

Kattowitz, August 28, 1939

On Monday, August 30, the Silesian Sejm will deal with the draft of the new law on private schools and private institutions for instruction and education as an urgency movement, and will very probably pass the law upon a third reading on the same day. This new draft has a profound significance for the entire private school education of the German minority in Upper Silesia.

It makes a strange impression that the new bill coming up in the Silesian Sejm, provides for changes in the State Law of March 11, 1932, which may and will have results very prejudicial to the cultural interests of the German population in East Upper Silesia ; this we may assume from our previous experiences. This bill fills the German population with new and grave anxieties for its fate.

NÖLDEKE

A certified true copy

Dr Martin HORN
Attorney at Law

H0787-0071

Ri - Exhibit No 121

261

C O P Y

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 98 - the German Ambassador in Warsaw to the Foreign Offic

Telegram (Translation)

Warsaw, September 7, 193

I had a detailed conversation today with the Polish Minister for Foreign Affairs, in which I most emphatically pointed out that the Upper Silesian School Law is a complete contradiction of the wording and sense of the Minorities Declaration we have prepared. I have formulated our wishes according to your instructions .....

A certified true copy

Dr Martin HORN
Attorney at Law

H0787-0072

Ri - Exhibit No 122

C O P Y

262

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 99 - The German Ambassador in Warsaw to the Foreign Offic

Report (Translqtion)

Warsaw, September 7, 1937

After my return to Warsaw today, I immediately had a somewhat lengthy conversation with M. Beck, and have informed you by telegram about the course of this conversation. I have the impression that M. Beck was not previously informed about the School Law prepared by the Voivode, and that, moreover, as a result of the Premier's intervention, the necessary guarantee has been established for bringing the law into harmony with the spirit of the Minorities Declaration agreed upon. .....

A certified true copy

Dr Martin HORN
Attorney at law

H0787-0073

Ri - Exhibit No 123

C O P Y

163

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 101 - Identical Declarations Made by the German and Polish Governments Concerning the Protection of their Respective Minorities, Published November 5, 1937

(Translation)

The German Government and the Polish Government have thought it advisable to enter upon friendly discussions regarding the situation of the German minority in Poland and of the Polish minority in Germany. They are both convicted that the treatment of these minorities is of great importance for the further development of friendly relations between Germany and Poland and that in each of the two countries the well-being of the minority can be all the better guaranteed if there is a certainty that the same principles are applied in the other country. The two Governments have been able to note to their satisfaction that each of the two States, withi the limits of its sovereignty, considers that the following principles should be observed in the treatment of the said minorities :

1. The mutual respect for German and Polish national feeling in itself precludes any attempt to assimilate the minority by compulsion, to call in question membership in the minority concerned, or to prevent persons from confessing that they belong to the minority. More particularly no pressure shall be exercised on young persons belonging to the minority with the aim of alienating them from the minority to which they belong.
2. Members of the minority have the right to the free use of their spoken and written language in their personal and economic relations, as well as in the press and at public meetings.
   No disadvantages shall accrue to members of the minority from the use of their mother tongue and from the observation of their national customs either in public or private life. .....

H0787-0074

3. Members of the minority are guaranteed the right to form associations, including those of a cultural and economic nature.

4. The minority may found and maintain schools in their mother tongue.
In ecclesiastical matters, members of the minority will be permitted to worship in their mother tongue and to carry out their own church organization. Confessions of faith and charitable activities as they exist at present will not be interfered with in any way.

5. Members of the minority shall not on account of their membership in the minority be handicapped or placed at a disadvantage in the choice or exercise of a profession or of any economic activity. In economic matters they shall enjoy the same rights as member of the national majority, especially in respect of the possession or acquisition of land.

The above principles shall in no way affect the duty of members of the minority to observe unrestricted loyalty towards the State to which they belong. Said principles have been laid down in the endeavor to guarantee to the minority equitable conditions of existence and a harmonious life side by side with the members of the ruling majority, all of which will contribute to the progressive consolidation of friendly relations between Germany and Poland.

A certified true copy

Dr Martin HORN
Attorney at Law

H0787-0075

Ri-Exhibit No 124

165

C O P Y

from the White Paper No 2 : Documents on the Events preceding the Outbreak of War.

No 104 - Conversation of the German Foreign Minister with the Polish Ambassador

Memorandum (Translation)

Berlin, November 5, 1937

I have today handed an aide-mémoire to the Polish Ambassador, which express a series of expectations concernong the future treatment of the German minorities in Poland, such as our reciprocal Declarations were especially designed to cover. The Ambassador received the list withou making any observations in regard to it, and will forward it to his Government.

Frhr. Von Neurath

Appendix

Aide - Memoire

(Translation)

Berlin, November 5, 19

A propos of the publication of the German-Polish Minorities Declaration, the German Government express the expectation that measures will forthwith be taken to secur the German minority in Poland against every form of discri mination in favor of the Poles, particularly as regards th application of the Agrarian Reform Law and the Frontier Zone Order ; also in economic matters, and with respect to their occupations, and especially in the engagement and dismissal of workmen of German birth.

In view of the measures adopted in the Silesian Voivodeship during the negotiations about the Minorities D claration, the German Government are particularly concerne that the situation of the German minority shall not suffe any aggravation in the sphere of school and church life.

In order furthermore to attain the ends aimed at the Minorities Declaration, the German Government conside it indispensable that proper influence should be brought bear upon all organs that effect and form public opinion,

H0787-0076

Ri-Exhibit No 124
Continued 266

..and especially upon the press and the West Marches Society.

Moreover it is suggested that periodical discussions should regularly take place between representatives of the two states, concerning the questions dealt with in the Minorities Declaration.

The German Government finally request that penaltie imposed in recent years on members of the German community in Poland for political offences, be generously re-considered for pardon or suspension of sentence.

A certified true copy

Dr Martin HORN
Attorney at Law

H0787-0077

Ri-Exhibit No 125

Copy

267

from the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No. 109

No 109 The German Ambassador in Warsaw

to the Foreign Office

(Translation)
Warsaw, December 11, 1937

Report

In the course of a conversation today with M. Beck on political questions, I have, according to the instructions of the German Foreign Minister, raised the minorities question. First of all I referred to the efforts of the German Foreign Office to guarantee the actual carrying out of the minorities "communique" by bringing influence to bear on the administrative authorities, and stated that we regretted that the Polish Gover ment had failed to do the same, which had already caused a certain feeling of disappointment. Various events which had recent occurred appeared to us even to be a direct contradiction of what had been formulated in the minorities "communique" .....

M. Beck replied that, although the influence of the St in these matters was now less than it had been previously, he was more optimistic about the worker question than church questions; he saw no possibility of a satisfactory solution for the latter at present .. ...

As it was not possible to arrive at a practical conclusion in this conversation, I limited myself to declaring to M. Beck that we were convinced that he was in a position to bring about a satisfactory settlement and that we were confident that

H0787-0078

he would act accordingly.

268

von Moltke

A certified true copy
Dr Martin HORN
Attorney at Law.

Ri-Exhibit No 125 (Cont'd)

H0787-0079

Ri-Exhibit No.126

269

C O P Y

from the White-paper No.2:

Documents on the Events preceding the Outbreak of War.

No.117

The German Ambassador in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, September 2, 1938

The attitude toward Germany expressed by the Polish press and other organs of public opinion in Poland has late become unmistakably worse. .....

Yesterday I called M. Beck's earnest attention to t unfavorable development in Polish public opinion and to the recent, particularly violent anti-German demonstrations. A few days ago, I touched upon the same subject when talking with the acting Vice-minister, M. Arciszewski. M. Beck did not deny that the situation was unsatisfactory, ...

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787-0080

Ri-Exhibit No. 127

COPY

2701

from the White-Paper No. 2: Documents on the Events preceding the outbreak of War.

No 179

Agreement Between the Senate of the Free City of Danzig and the Polish Government, August 5, 1933

I. The Senate of the Free City of Danzig and the Polish Governmen agree to suspend, for the duration of the present agreement, the action no pending before the League of Nations concerning the question of the use of the Port of Danzig.

II. The Polish Government will immediately take all the necessary steps to prevent a decrease in the sea-borne traffic (imports, exports and transit) now passing through the Port of Danzig. Both the quantity and the quality of the goods will be taken into account.

The Polish Government, as far as lies within its power, will ensure the Port of Danzig equal participation in sea-born traffic (imports, exports and transit), taking into account the quantity and the quality of the goods. For this purpose, the parties undertake to maintain regular contact by means of periodic meetings.

III. In so far as the financial and economic capacities of the Free City allow, the Senate of the Free City of Danzig will co-operate with the Polish Government in developing direct sea-borne traffic.

IV. Each of the parties reserves the right to ask the High Commissioner, on three months' notice, to resume the action pending before him.

A certified true copy:

s/ Dr. HORN

t/ DR. MARTIN HORN

Attorney at Law

Ri-Exhibit No 128

COPY

24

from the White-Paper No 2: Documents on the Events preceding the outbreak of War.

No 180

The German Consul-General in Danzig to the Foreign Office

Report

Danzig, May 9, 1934

At a meeting on April 20 last, the "Society of Poles in the Free City of Danzig" adopted a program which was published in the Society's journal, the Straz Gdanska, on the ist inst. The program consciously aims to Polonize economic affairs in Danzig, and to restrict the rights of Danzig's German inhabitants.

A certified true copy:

s/ Dr. HORN

t/ Dr. MARTIN HORN

Attorney at Law

H0787-0081

H0787-0082

Ri-Exhibit No 129

Copy 273

from the white-paper No. 2 : Documents on the events preceding the outbreak of war

No 187

The German Ambassador in Warsaw
to the Foreign Office

Report

(Translation)
Warsaw, July 17, 1936

On the 17th ins. a large number of associations and organizations, including the Legionaires' Association, War Comrades Associations, the Rifle Club, Trade Unions, Union of Employees, Boy scouts, etc., organized a public demonstration in the market-place of the Old Town in Warsaw, under the leadership of the Marine and Colonial Leagues.

According to the posters which invite the population to take part in the demonstrations, and to which ever newspaper calls attention, any revision of the Danzig Stat should aim exclusively at an extension of Polish rights i Danzig. Poland alone, they declare, could guarantee the entire population of Danzig full scope for a cultural, political and economic process of development, andsecure equal "domestic rights" and privileges for the Polish inhabitants of Danzig.....

A certified true copy
Dr Martin Horn
Attorney at Law

H0787-0083

274

Copy

from the White-Paper No 2 § Documents on the Events preceding the Outbreak of War.

No 192

The German Consul-General in Danzig.

to the Foreign Office

Report

(Translation)

Danzig, November 15, 1937

..... During one of the celebrations in the village of Gross-Trampken, some statements worthy of note were made in a speech by M. Chodacki, Poland's Diplomatic Representative in Danzig. One of his remarks was: " I remember very well the time when I went into the Great War, hoping for Poland's resurrection! The Poles here in Danzig should likewise live and wait in the hope that very presently they may be living on Polish soil".

von Luckwald

A certified true copy

Dr Martin Horn

Attorney at Law

H0787-0084

Ri-Exhibit No 131

Copy 275

from the White-Paper No. 2 : Documents on the Events preceding the Outbreak of War!

No 194

The German Consul-General in Danzig

to the Foreign Office

Report

(Translation)

Danzig, November 14, 1938

As in previous years, a number of celebrations took place in Danzig on November 11, in commemoration of the 20 anniversary of the rebirth of Poland's independence!

The climax of these celebrations was reached at a gathering in the Sporthalle on the evening of November 12, which Minister Chodecki himself attended! M. Walewski of Warsaw, a member of the Polish Sejm, delivered the speech of the day, in which he made significant allusions to Danz When he spoke of the liberation of his compatriots in the Olsa district, he declared that the Poles here in Danzig would live to see the same thing happen to them, and that Poland's aim was to extend her boundaries to include the same area which she used to have in the days of King Boles law Chobry.....

von Jenson

A certified true copy

Dr Martin H o r n

Attorney at law

H0787-0085

Ri-Exhibit 132

Copy

270

from the White-Paper No 2 : Documents on the Events preceding the Outbreak of War.

No. 196

The German Consul-General in Danzig

to the Foreigh Office

Report

(Translation)

Danzig, March 16, 1939

After numerous discussions and negotiations which have been carried on meanwhile, a final settlement of the conflict between German and Polish students at Danzig Technical College seems to be materializing at last. .....

At a gathering after the initiating of the protocol, the Polish Legation advisors who had sat on the committee made certain remarks to Councillor Siegmund, which are not without interest. The two Polish gentlemen declared that Warsaw had regarded this clash between the students with the utmost seriousness; according to the opinion held in authoritative Polish circles, one more spark would have set off military action against Danzig, and brought Germany and Poland into conflict with each other.....

A certified true copy

Dr Martin Horn

Attorney at Law-

Ri-Exhibit No. 133

Copy

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from the White Paper No. 2: Documents on the Events preceding the Outbreak of War

No. 34

The German Minister in Warsaw to the Foreign Office

(Translation)

Telegram

Warsaw, November 28, 1933

.... In the further course of the conversation, Marshal Pilsudski emphasized that he also wished to put German-Polish relations on a friendly and neighborly basis but stressed with a bluntness such as I have hardly ever experienced among Polish politicians, that the thousand-year-old hostility of the Polish people to the Germans would give rise to grave difficulties in carrying out this policy ....

A certified true Copy:

Dr. Horn
Attorney at Law

H0787-0086

H0787-0087

Ti-Exhibit No.134

COPY

1.19

from the White Paper No.2: Documents on the Events preceding the outbreak of war.

No. 197

Conversation of the German Foreign Minister with the Polish Ambassador at Berchtesgaden, October 24, 1938.

Memorandum of Herr Hewel, Legation Councillor

At the beginning of the conversation the German Foreign Minister described the immediate situation to the Polish Ambassador.

M. Lipski then explained the reason for his visit:- Poland was interested in the stabilization of the Danube Basin. The Carpatho-Ukraine, with its disorder, its 80% illiterate population was the well-spring of every conceivable sort of political current, a downright hotbed of Communism. It had 650,000 inhabitants in all, of whom about 250,000 were Hungarians and Jews, and 400,000 Ruthenians. Poland had already exchanged numerous acrimonious notes with Prague about this centre of unrest. M. Beck had said he wanted some sensible result to emerge from this crisis. Poland's wish was that this territory should be linked to Hungary.

For the rest, a common Polish-Hungarian frontier was of great value to shut off the east. The rumors that a block was being formed against Germany were nonsense; they had been completely refuted by the attitude of Poland towards Soviet Russia during the crisis. Polish policy had aimed at inducing the Hungarian Government to be moderate in the Slovakian question, and to take the offensive in the matter of the Carpatho-Ukraine. He, Lipski, hoped that a solution along these lines would not run counter to German interests.

The German Foreign Minister explained to the Ambassador that these ideas were somewhat novel to him, and that he would think them over at his leisure. He could understand Poland's wishes, but he also saw certain difficulties which we would have to take into consideration.

The German Foreign Minister then raised the great general problem, which had led him to ask M. Lipski to come to Berchtesgaden, and which he wished to broach quite confidentially, as among M. Lipski, M. Beck and himself. He asked the Ambassador to report the discussion to M. Beck by word of mouth; otherwise there would be too much danger of things leaking out, especially to the press. The Ambassador agreed to do so. To these introductory remarks, the Foreign Minister added an invitation to M. Beck to pay him a visit some time in the course of the following month. Germany, he said, herewith extended a standing invitation to her Polish friends. The Ambassador expressed his gratification and undertook to inform M. Beck.

The Foreign Minister then went on to say that he thought it was time to make a clean sweep of all existing sources of friction between Germany and Poland. This would crown the work inaugurated by Marshal Pilsudski and the Fuehrer. By the way of comparison he instanced our relations with Italy, in which the Fuehrer, with deep insight, had renounced all claims to South Tyrol for the sake of a general settlement. Such an agreement was worth attempting in the case of Poland, too, and would be in her interest; and it accorded with the Fuehrer's policy, which was directed towards the clarification of relations with all neighbours. It was conceivable that with France, too, clearer agreements would be reached some day, going beyond the Fuehrer's declaration concerning the frontier. In Poland's case the

first thing was to discuss Danzig, by way of a partial solution leading toward a general adjustment of the relationsbetween the two nations. Danzig was German -- it always had been German, and it would always remain German. He, the German Foreign Minister, was thinking of a solution that would, broadly speaking, be as follows:-

1. The Free State of Danzig to return to the German Reich.

2. An extra-territorial motor-road belonging to Germany to be built across the Corridor, and likewise an extra-territorial railway with several tracks.

3. Poland similarly to obtain an extra-territorial road or motor-road, a railway, and a free port in the territory of Danzig.

4. Poland to be guaranteed a market for her goods in Danzig territory.

5. The two nations to recognize (and guarantee) their common frontiers or their respective territories.

6. The German-Polish Treaty to be prolonged by ten to twenty-five years.

7. The two countries to add to their treaty a clause providing for consultation.

The Polish Ambassador took cognizance of this suggestion. Although naturally he would first have to speak to M. Beck, he would like to remark at once that it was a mistake to regard Danzig as a product of Versailles, such as, for instance, the Saar Territory. One must follow the growth of Danzig historically and geographically to get a correct angle on the problem.

The Foreign Minister replied that he did not desire an immediate answer. The Ambassador was to think it all over and to speak to M.Beck as soon as possible. After all, there must be a certain give and take in these considerations. For reasons of internal policy a final recognition of the Corridor was no easy matter for the Fuehrer, either. One must think in terms of centuries in this case -- Danzig, after all, was German, and would always remain so.

M. Lipski promised to go into all this very thoroughly with M. Beck. He would go to Warsaw about Thursday and could be back at the beginning of the following week. His chief request was for an exchange of ideas about the Hungarian question. M. Beck had instructed him to say that Poland was ready to participate, in case Hungary's wish to arbitration by the three countries, Germany, Italy and Poland, should be favorably received by the first two countries.

In reply the Foreign Minister pointed to the risks involved in an arbitration award.

In a second short conversation the Foreign Minister mentioned the Carpatho-Ukraine. The Ambassador emphasized the fact that Poland had no interest in extending her frontiers in that quarter. Poland's sole wish was to receive a joint frontier with Hungary.

The Foreign Minister promised to think over the whole complex of problems again, and in this connection expressed the opinion that if an all-round solution could be reached between Germany and Poland, a happy arrangement could certainly be found to solve this problem too.

The tone of the conversation was very friendly throughout.

HEWEL.

****

Certified True Copy. M. Horn.

H0787-0088

M. Beck's instructions to M. Lipski

Warsaw, 31 October 1938

2811
282

(7) Taking all the foregoing factors into consideration, and desiring to achieve the stabilization of relations by way of a friendly understanding with the Government of the German Reich, the Polish Government proposes the replacement of the League of Nations guarantee and its prerogatives by a bi-lateral Polish-German Agreement. This Agreement should guarantee the existence of the Free City of Danzig so as to assure freedom of national and cultural life to its German majority, and also should guarantee all Polish rights. Notwithstanding the complications involved in such a system, the Polish Government must state that any other solution, and in particular any attempt to incorporate the Free City into the Reich, must inevitably lead to a conflict. This would not only take the form of local difficulties, but also would suspend all possibility of Polish-German understanding in all its aspects. Even in 1933, after the conversations had been opened which led to the conclusion of the 1934 Declaration, Marshal Pilsudski raised the Danzig question as a sure criterion for estimating the German Reich's intentions towards Poland. This was made known both through diplomatic channels and also, so far as I remember, in a conversation between Marshal Pilsudski and Dr. Goebbels.

I expressly consider that this point of view is binding upon Poland.

(8) In face of the weight and cogency of these questions, I am ready to have final conversations personally with the governing circles of the Reich. I deem it necessary, however, that you should first present the principles to which we adhere, so that my eventual contact should not end in a breakdown, which would be dangerous for the future.

A certified true copy:

s/ Dr. MARTIN HORN

t/ Dr. MARTIN HORN

Attorney at Law

H0787-0089

Ti-Exhibit No.135

COPY

285

from the White Paper No.2: Documents on the Events preceding the Outbreak of War.

No. 198

Conversation of the German Foreign Minister with the Polish Ambassador, November 19, 1938.

Memorandum

At 1 p.m. today I received M. Lipski, the Polish Ambassador.

M. Lipski explained to me that he had informed Foreign Minister Beck about the substance of our discussion of October 24 at Berchtesgaden, and that he was now in a position to tell me what M. Beck thought about these matters. M. Lipski then read parts of his instructions aloud from a slip of paper.

1. The Polish Foreign Minister was of opinion that, in general, German-Polish relations had stood the test. During the Czech crisis it had become apparent that the German-Polish Agreement had been constructed on a durable foundation. M. Beck considered that Poland's straightforward policy had been useful to Germany when the latter won possession of the Sudeten Territory, and had contributed materially toward a solution of this question in accordance with German views. During these critical days the Polish Government had turned a deaf ear to all siren songs emanating from certain quarters.

I answered M. Lipski that in my opinion, too, the German-Polish Agreement had shown itself capable of withstanding considerable strain. The Fuehrer's action against Czechoslovakia had enabled Poland to gain possession of the Olsa territory, and to satisfy a number of other wishes with regard to frontiers. For the rest I agreed with him that the Polish attitude had made things easier for Germany.

2. M. Lipski then made a lengthy speech to prove the importance and value which Danzig, as a Free City, had for Poland.

For reasons of internal policy, too, it was difficult for the Polish Foreign Minister to assent to the incorporation of Danzig in the Reich. M. Beck had been revolving the question in his mind how one might eliminate, once and for all, any causes of friction which might possibly arise between Germany and Poland over the Danzig problem. His idea was that the League of Nations' Danzig Statute might be replaced by a German-Polish treaty dealing with all Danzig questions. This treaty might be based on the recognition of Danzig as a purely German city with all rights accruing to her from this status; on the other hand Poland and the Polish minority should likewise have all economic rights assured to them. In this arrangement the character of Danzig as a Free State and the customs union with Poland would be preserved.

I answered M. Lipski that I deplored M. Beck's attitude. The suggestion for a permanent solution of the German-Polish problem, by which Danzig would fall to Germany, might increase M. Beck's burden in home politics, but on the other hand it would obviously be no easy matter for the Fuehrer either, to tell the German people that he was guaranteeing the Polish Corridor. The purpose underlying my suggestion was to establish German-Polish relations on a foundation as lasting as solid rock, and to do away with all possible points of friction. It had not been my intention to have a diplomatic chat. As he, M. Lipski, could perceive from the Fuehrer's speeches, the latter had always taken a long view in dealing with the German-Polish question. In his presence, at a recent meeting of international press

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H0787-0091

representatives, I had made it clear that good German-Polish relations were essential to German policy.

Ambassador Lipski thanked me for these remarks, and then returned to the proposal of a bilateral treaty about Danzig. I explained to him that I could not give a final decision on this, but to me the proposal did not seem very practicable.

3. I then asked M. Lipski what M. Beck thought about the question of an extra-territorial motor-road, and of a likewise extra-territorial double-track railway through the Polish Corridor.

M. Lipski answered that he was not in a position to go into the matter or make any official pronouncement. Speaking purely for himself, he would say that such a wish on the part of Germany might conceivably not fall on barren ground in Poland, and that possibly opportunities for solution might lie in this direction.

4. I then spoke to M. Lipski about the Polish postage stamps just issued, which were intended for Danzig use, and which represented Danzig as if it were a Polish city. Here, again, he could understand that this must hurt the feelings of the German population of Danzig.

M. Lipski declared that he was not well informed about the matter, but would make enquiries.

In conclusion I told M. Lipski that it would be well worth while to give serious consideration to German proposals dealing with the whole complex of German-Polish relations. He could see that we were trying to accomplish something permanent, and to bring about a really stable condition. Naturally, that could not be done in a day. If M. Beck would give our proposals his best thought, he might see his way to adopting a positive attitude.

VON RIBBENTROP.

****

Certified True Copy.

M. Horn.

H0787-0092

Ri-Exhibit No.136

C O P Y

285

from the White-paper No.2:

Documents on the Events preceding the Outbreak of War.

No.119

The German Ambassador in Warsaw to the Foreign Office

Report

(Translation)

Warsaw, October 25, 1938

The notes concerning the treatment of the German minority in Teschen were exchanged between the 18th and 20th inst., and I have the honor of submitting the two notes herewith.

von Moltke

Appendices

The German Ambassador in Warsaw to the Polish Foreign Minister

(Translation)

Warsaw, October 18, 1938

Your Excellency,

In connection with the incorporation of previous Cze territory in the Polish State, I have the honor, in accordance with my instructions, to draw the attention of Your Excellency to a circumstance to which the German Government, in conformity with public opinion in Germany, attach particular importance.

There are resident in the territories mentioned a considerable number of people of German extraction who, particularly where they are dwelling together in large communities,

H0787-0093

maintain their own social and cultural institutions. The German Government anticipate that the friendly relations between Germany and Poland, which again successfully stood the test in the Czech crisis, will also prove effective in the dealings of the Polish State with those Germans who are now to become its members. The German Government, for that reason, expect that these Germans, after the period of oppression which they have suffered, will experience such treatment at the hands of the Polish authorities as is in accordance with the Minorities Declarations previously made by both parties, and that accordingly, they will not only continue to enjoy their present cultural status but even that their conditions of existence within the Polish State will be happier than before.

Likewise the German Government expect that, as a matter of course, nationals of the Reich living in the district mentioned will suffer no disadvantages as a result of the change in sovereign authority, and particularly that they will not be at any disadvantage in the exercise of their previous trades and callings.

I am instructed to say that the German Government will observe the same principles in its dealings with persons belonging to the Polish race or the Polish nation, and residing in the district which has now passed over from the Czech to the German state authorities.

In so far as members of Polish minorities, or Polish subjects in the territories now coming to Germany, or, vice versa, members of German minorities or German subjects in the territories now coming to Poland, may desire to leave the State territory, the German Government propose that questions

H0787-0094

arising in this connection presently be settled by a speci arrangement.

I have the honor to be, etc., etc.

von Moltke

X X X X X

The Polish Foreign Minister to the German Ambassador in Warsaw

(Translation)

Warsaw, October 20, 1938

Your Excellency,

I have the honor of acknowledging the receipt of Y Excellency's letter of October 18, 1938, in which Your Exc lency draws attention to certain communities of persons of German descent, and dwell in the territory recently return to Poland by Czechoslovakia. These persons are about to b come Polish citizens.

I wish especially to express the conviction that t application of the German-Polish Minorities Declaration of November 5, 1937 to this minority will not only afford it possibility of maintaining its previous cultural status, b will also procure for it happier conditions of existence t it has heretofore enjoyed; .....

For the Minister

Szembek

a certified true copy
signed: Dr Martin HORN
Attorney at law

Cont. a Ri-Exhibit No.136

H0787-0095

Ri-Exhibit No.137

C O P Y

287

from the White-paper No.2:

Documents on the Events preceding the Outbreak of War.

NO.122

The German Chargé d'Affaires in Warsaw to the Foreign Office

report

(Translation)

Warsaw, December 6,1938

According to instructions, I have made very serious and emphatic representations at the Polish Foreign Ministry in connection with the measures of de-Germanization in the Olsa District, and at the same time I went thoroughly into the intolerable situation of the Germans and also handed in an aide-mémoire in which our complaints were brought forwar

.....

a certified true copy
signed: Dr Martin HOPN
Attorney at law.

H0787-0096

Ri-Exhibit No.138

C O P Y

from the White-paper No.2: 289

Documents on the Events preceding the Outbreak of War.

No.126

The German Consul at Teschen to the Foreign Office

Report

(Translation)

Teschen, March 21, 1939

From almost all parts of the Olsa territory, we are continually hearing of new dismissals of minority Germans and former Czechs.

.....

The impression prevails that a large-scale mass act is under way against all remaining German and former Czech workers and employees, particularly those working for the w lesale concerns.

von der Damerau

a certified true copy
signed: Dr Martin HORN
Attorney at law.

H0787-0097

Ri-Exhibit No 139

COPY 290

from the White-Paper No 2 . Documents on the Events preceding the Outbreak of War.

No 128

The German Consul-General at Thorn

to the Foreign Office

Report

(Translation)

Thorn, October 5, 1938

. . . . . The violent agitation against Germany is aided and abetted by the press and the West Marches Society. In view of the severe pressure to which the German minority in Poland is subjected, for it finally sees no alternative but to emigrate to the Reich.....

A certified true copy

Dr Martin Horn

Attorney at Law

H0787-0098

H0787-0099

Ri-Exhibit No. 141

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from the White-Paper No. 2: Documents on the Events preceding the Outbreak of War.

No. 133

The German Consul-General at Thorn to the Foreign Office

Report

Thorn, November 23, 193

In Volume 19, Nos. 1 and 2 of the Deutsche Schulzeitung (German School Journal) there is a list of works forbidden for use in German schools. It is noteworthy that apart from banning such German classics as "Goethe's Childhood," from Goethe's Dichtung und Wahrheit ("Poetry and Truth"), the Nibelungenlied, and the Edda, worldfamed foreign books for the young, such as D. Defoe's Robinson Crusoe and H. M. Stanley's Through Darkest Africa, have not been sanctioned. Nothing could more appropriately characterize the attitude of the high Polish school authorities toward the German schools.

von Küchler.

A certified true copy:

Dr. Martin HORN
Attorney at Law

H0787-0100

Ri-Exhibit No. 142

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293-29.

from the White-Paper No. 2: Documents on the Events preceding the Outbreak of War.

No. 137

The German Consul-General at Thorn to the Foreign Office

Report

Thorn, December 20, 1938

The extraordinarily difficult plight of the German community, and the chicanery practised by the Polish authorities, which deprises many members of the minority of their livelihood, have not changed in any way. It is really a fact that the many arrests which have lately been made on the charge of espionage, the fear of which clearly arises from a growing state of nervousness on the part of Polish authorities, are driving our German fellow-countrymen to a state of desperation. As every family which has any kind of connection with Germany or with German circles, must be prepared at any moment to find itself implicated in some kind of trouble, it is only natural that a general state of panic is spreading, which leads people to regard immediate emigration as the only possibility of saving themselves from the desperate situation.

I feel it to be my duty to draw attention most urgently to the seriousness of the situation here. The unscrupulous de-Germanization methods of the Poles must lead to the complete destruction and annihilation of Germans here, if we do not succeed, at the last moment, by means of negotiations with the Polish Government, in ensuring the application of the legal and constitutional provisions as laid down in the Minorities Agreement.

von Kuechler

A certified true copy:

Dr. Martin HORN
Attorney at Law

H0787-0101

Ri-Exhibit No 143

C O P Y

245

From the White-Paper No. 2. Documents on the Events preceding the Outbreak of War.

No 139

No. 139 The German Consul-General at Thorn to the Foreign Office

Report

(Translation)

Thorn, December 30, 1938

On the 20th inst. the German private school in Neustadt held a Christmas celebration. According to the program, Hans und Gretes Himmelsreise ("Hans' and Grete's journey to Heaven"), a fairy play, was to have been performed. It had to be struck off the program, however, because the competent Polish authorities refused their permission for the performance.

von Küchler

a certified true copy
Dr. Martin Horn
attorney at law